

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

**John Marshall Courts Building**

OLANDO LEE TRENT a/k/a  
KEVIN JOHNSON, #185492,

Petitioner,

v.

DIRECTOR, VIRGINIA DEPARTMENT  
OF CORRECTIONS,

Respondent.

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)  
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)  
) Case No. CL08-3593  
)  
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**MOTION TO DISMISS**

COMES NOW, by counsel, the Respondent, Director of the Virginia Department of Corrections, in answer to Complaint and moves the Court to dismiss the Petition for the following reasons:

1. Orlando L. Trent, a/k/a/ Kevin Johnson, is incarcerated at the Red Onion State Prison, a Virginia Department of Corrections ("VDOC") facility. The petitioner contended that the VDOC has unlawfully confined him as "Kevin Johnson, No. 185493." Essentially, Trent argues that he is not "Kevin Johnson," and that he is confined as a result of mistaken identity, and asks this court to vacate the criminal convictions and judgment because "said judgments of conviction were entered against someone else." Since Trent is seeking immediate release from custody, the complaint can only be construed as a Petition for Habeas Corpus.

2. Pursuant to Code § 8.01-660, the VDOC submits as evidence of the information detailed below the attached affidavit of Wendy K. Brown, Manager of the Court and Legal Services Section of the Virginia Department of Corrections, and enclosures.

3. As a threshold matter, the Petition is untimely. Virginia's habeas statute provides that a habeas petition, "other than a petition challenging a criminal conviction or sentence, shall be brought within one year after the cause of action accrues." Va. Code Ann. § 8.01-654(A)(2) (Michie 2000). A cause of action accrues when a plaintiff is injured. Shipman v. Kruck, 267 Va. 495, 503, 593 S.E.2d 319, 323 (2004). "[T]he applicable period of limitation begins to run from the moment the cause of action arises rather than from the time of discovery of injury or damage, and ... difficulty in ascertaining the existence of a cause of action is irrelevant." Id. (quoting Va. Military Inst. v. King, 217 Va. 751, 759, 232 S.E.2d 895, 900 (1977)). Here, the cause of action accrued when Trent, a/k/a/ Johnson was originally received by the VDOC on June 11, 1991. See Brown Aff. at ¶ 6.

4. The VDOC received the Petitioner on June 11, 1991, to serve a total sentence of life imprisonment plus 43 years, 13 months and 30 days. Id. at ¶ 6; A copy of the sentence summary is attached as Enclosure B.

5. All offenders confined within the VDOC are required to serve their sentence under the name written on the court's sentencing orders. The name may be an alias that the offender was using at the time of arrest and subsequent convictions. Records show that Kevin Johnson has used various aliases including Rashid Trent, Kevin Johnson, Orlando Trent and Rashid Johnson. See Brown Aff. at ¶ 4. Despite Johnson's

claim that Orlando Trent is his birth name, he will continue to serve his sentences as Kevin Johnson as this was the name under which he received his criminal convictions.

6. Kevin Johnson was sentenced in the Circuit Court for the City of Richmond for trespassing, brandishing a firearm, use of firearm in the commission of a felony, malicious wounding, firing into a dwelling or building, first degree murder, use of a firearm in the commission of murder, two counts of attempted homicide and two counts of use of a firearm in the commission of attempted murder. Brown Aff. at ¶ 5; copies of the sentencing order are attached as Enclosure A.

7. Subsequent to his incarceration, Kevin Johnson committed additional crimes as a prisoner including felonious wounding, possession of a weapon and two counts of assault and battery of an employee of a state correctional facility. *Id.* at ¶ 6.

8. Moreover, Trent a/k/a Johnson's claim is meritless. Orlando Trent a/k/a Kevin Johnson, is lawfully within the custody of the Virginia Department of Corrections and serving his sentences as ordered by this Court.

9. Respondent denies each and every allegation not specifically mentioned herein.

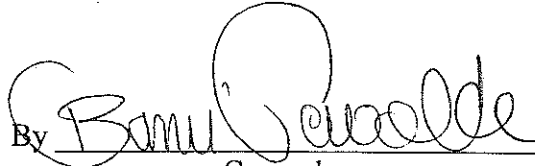
10. Furthermore, because the Petition fails to state a claim and is frivolous, the Respondent submits that Trent a/k/a Kevin Johnson should be assessed a "strike" under the Virginia Prisoner Litigation Reform Act, Va. Code Ann. § 8.01-692.

11. Respondent submits that this Court may deny and dismiss the Petition as a matter of law without requiring a further hearing. Va. Code Ann. § 8.01-654(B)(4)

WHEREFORE, the Respondent respectfully requests that the Court dismiss the Petition and grant such other relief as may appear just.

Respectfully submitted,


DIRECTOR, VIRGINIA DEPARTMENT  
OF CORRECTIONS

By   
Counsel

Banci E. Tewolde  
Assistant Attorney General  
Public Safety & Enforcement Division  
Office of the Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 786-0008  
(804) 786-4239 (fax)  
VSB# 40331

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of September, 2008, a true and exact copy of the foregoing Motion to Dismiss was mailed, postage prepaid to Petitioner, Orlando Lee Trent a/k/a Kevin Johnson, #185492, Red Onion State Prison, Post Office Box 970, Pound, Virginia 24279.

  
Banci E. Tewolde  
Assistant Attorney General

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

Olando Lee Trent  
a/k/a Kevin Johnson,

Plaintiff,

v.

Case NO. 760CL08003593-00

Director, Virginia Department of Corrections,

Defendant.

**AFFIDAVIT**

State of Virginia, City of Richmond, to-wit:

WENDY K. BROWN, first being duly sworn, states as follows:

1. I am the Manager of Court and Legal Services for the Virginia Department of Corrections (VDOC). Court and Legal Services is responsible for maintaining inmate time computation records as well as computing inmates' terms of imprisonment and projecting the discretionary parole eligibility, mandatory and good time release dates.
2. The information contained in this affidavit is based on personal knowledge and records maintained in the regular and ordinary course of business.
3. I am generally aware of the allegations in the lawsuit filed by inmate Kevin Johnson, #185492, who claims that he has been "misidentified" by arresting officers, convicted and incarcerated for crimes that he did not commit. He states that his true identity is Olando Trent, and he is wrongly incarcerated for crimes committed by Kevin Johnson.
4. Offenders confined in the VDOC, serve their sentences under the name written on the court's sentencing orders. This name may be an alias that the offender was

using at the time of his arrest and conviction. According to VDOC records, Johnson has used various aliases including Rashid Trent, Kevin Johnson, Orlando Trent and Rashid Johnson. Although Johnson claims that Olando Trent is his birth name, he will continue to serve his sentences as Kevin Johnson as this was the name under which he received his criminal convictions.

5. Kevin Johnson's original convictions as imposed by the Circuit Court for the City of Richmond include trespassing, brandishing a firearm, use of a firearm in the commission of a felony, malicious wounding, firing into a dwelling or building, first degree murder, use of a firearm in the commission of murder, two counts of attempted homicide and two counts of use of a firearm in the commission of attempted murder.

Copies of the Sentencing Orders are attached as Enclosure A.

6. Since he was originally received by the VDOC on June 11, 1991, Johnson has committed additional crimes as an inmate including felonious wounding, possession of a weapon and two counts of assault and battery of an employee of a state correctional facility. Johnson is serving a total sentence of life imprisonment plus 43 years, 13 months and 30 days. A copy of the Sentence Summary is attached as Enclosure B.

7. Johnson's anticipated discretionary parole eligibility date is March 3, 2010. He is not eligible for mandatory parole release. A copy of the Summary Audit is

attached as Enclosure C.

WENDY K. BROWN

Wendy K Brown  
Affiant

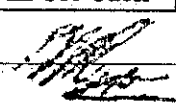
Sworn and subscribed to before me, a Notary Public, in and for the City of Richmond, on this 15 day of September, 2008.

Lesley A. Ritenour  
Notary Public

My commission expires: \_\_\_\_\_



# DISPOSITION NOTICE

NAME <u>Kevin Johnson</u>		JURISDICTION <u>Manchester</u>
STREET ADDRESS <u>2904 EP Lynhaven Ave.</u>		<input checked="" type="checkbox"/> GEN. DIST. CT. (CRIMINAL) <input type="checkbox"/> GEN. DIST. CT. (TRAFFIC) <input type="checkbox"/> GEN. DIST. CT. (CIVIL) <input type="checkbox"/> J & DR DIST. CT. <input type="checkbox"/> CIRCUIT COURT
CITY <u>Richmond</u> STATE <u>VA</u>		CASE NO. <u>GC90003220</u>
<input type="checkbox"/> Certified to grand jury <input type="checkbox"/> Juvenile transferred to circuit court for trial as adult <input checked="" type="checkbox"/> Convicted of <u>Trespass</u>		
SENTENCE		
<input type="checkbox"/> _____ months <u>30</u> days to be served in jail (See Instructions on reverse side)		
Special conditions: <input type="checkbox"/> Weekend confinement <input type="checkbox"/> Work release		
<input type="checkbox"/> Juvenile sentenced to jail pursuant to § 16.1-284.		
<input type="checkbox"/> Other: _____ <input type="checkbox"/> see back		
<input type="checkbox"/> Commitment to the Department of Corrections		
Appeal noted? <input type="checkbox"/> no <input type="checkbox"/> yes and <input type="checkbox"/> not eligible for bail		
<input type="checkbox"/> \$ _____ appeal bail bond-other terms: <input type="checkbox"/> see back		
<u>6-19-90</u> DATE		
FORM DC-356 5/88 (114:9-016 11/89)		 <input type="checkbox"/> CLERK <input type="checkbox"/> JUDGE G. L. Rupp

Enclosure

A



## DISPOSITION NOTICE

NAME <u>Kevin Johnson</u>	JURISDICTION <u>Manchester</u>
STREET ADDRESS .....	<input checked="" type="checkbox"/> GEN. DIST. CT. (CRIMINAL) <input type="checkbox"/> GEN. DIST. CT. (TRAFFIC) <input type="checkbox"/> GEN. DIST. CT. (CIVIL) <input type="checkbox"/> J & DR DIST. CT. <input type="checkbox"/> CIRCUIT COURT
CITY ..... STATE .....	CASE NO. <u>GC90003221</u>
<input type="checkbox"/> Certified to grand jury <input type="checkbox"/> Juvenile transferred to circuit court for trial as adult <input checked="" type="checkbox"/> Convicted of <u>Brandish firearm</u>	
SENTENCE <u>12 mos/ 8 mos. susp.</u>	
<input type="checkbox"/> <u>4</u> months _____ days to be served in jail (See Instructions on reverse side)	
Special conditions: <input type="checkbox"/> Weekend confinement <input type="checkbox"/> Work release	
<input type="checkbox"/> Juvenile sentenced to jail pursuant to § 16.1-284.	
<input type="checkbox"/> Other: .....	<input type="checkbox"/> see back
<input type="checkbox"/> Commitment to the Department of Corrections	
Appeal noted? <input type="checkbox"/> no <input type="checkbox"/> yes and <input type="checkbox"/> not eligible for bail	
<input type="checkbox"/> \$ ..... appeal bail bond-other terms: <input type="checkbox"/> see back	
DATE <u>6-19-90</u>	<input type="checkbox"/> CLERK <input type="checkbox"/> JUDGE
FORM DC-356 5/88 (114-9-01611/89)	<u>G. L. Rupe</u>

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

the 9th day of November 1990

COMMONWEALTH

vs Indictment for Firearm/Felony F-90-2882  
Indictment for Malicious Wounding F-90-2883  
Indictment for Shooting Into An Occupied Dwelling F-90-2884

KEVIN JOHNNSON, Dft.

The defendant was this day led to the bar in the custody of the Sheriff of this City. He was represented by Attorney Kevin Schork, appointed counsel; and the Commonwealth was represented by Harry M. Johnson, Jr. The defendant consented to having these cases tried simultaneously.

Being arraigned, the defendant pleaded guilty to using or displaying in a threatening manner, a firearm, while, during and in the commission of a malicious wounding, as charged in Indictment F-90-2882; he pleaded guilty to malicious wounding, as charged in Indictment F-90-2883; and he pleaded guilty to shooting into an occupied dwelling, as charged in Indictment F-90-2884, after consultation with counsel. Whereupon the Court inquired of the defendant if he had been advised of, and fully understood the significance of his pleas of guilty, to which inquiry the defendant answered in the affirmative, and the Court accepted said pleas of guilty. The evidence in each case having been summarized by the Assistant Attorney for the Commonwealth, and stipulated by the defendant, the Court finds the defendant guilty as charged in each Indictment, and in accordance with a plea agreement filed

herein, the Court doth suspend the imposition of sentence, during

COMMONWEALTH V. KEVIN JOHNSON, Dft.

Page Two

the defendant's good behavior in the case of F-90-2884, and he is placed on supervised probation. In the case of F-90-2882, the Court doth ascertain the defendant's term of confinement in the State Penitentiary at Four Years, and in the case of F-90-2883, the Court doth ascertain the defendant's term of confinement in the State Penitentiary at Ten Years.

Whereupon it being demanded of the said defendant if anything for himself he had or knew to say why the Court should not now proceed to pronounce judgment against him according to law, and nothing being offered or alleged in delay thereof, it is the judgment of this Court that the said Kevin Johnson be confined in the State Penitentiary for one term of Four Years, and one term of Ten Years, these being the periods ascertained by the Court in the cases of F-90-2882 and F-90-2883. The execution of six years of the said Penitentiary sentence given in the case of F-90-2883 is suspended during the defendant's good behavior. The Four Years given in the case of F-90-2882, and the remaining Four Years given in the case of F-90-2883 are to run consecutively with each other. However, these sentences are to run concurrently with time received in this Court at the Manchester Courthouse. The defendant is placed on supervised probation; and he is to pay his costs of Court in these cases totaling \$1,098.00, the payment of said costs to be arranged by his Probation Officer.

It is further ordered that the defendant shall receive credit for all time previously spent in Jail on these charges, if any.

200972 1401 07A 0002

Virginia:

In the Circuit Court of the City of Richmond, Manchester

the 1st day of March, 19 91.

Commonwealth of Virginia, plaintiff, )  
 against )  
 Kevin Johnson, defendant, )  
 (D.O.B. 12/3/71)  
 (Date of Offenses: 6/4/90)

Order -  
 Case No. 90-696-F  
 through 90-698-F



Kevin Johnson, who on October 29, 1990, was found guilty by a jury of six (6) felonies in the above cases, but against whom the fixing and imposition of sentences were delayed pending a pre-sentence report by the Probation and Parole Department of this District filed herein on December 7, 1990, and a motion to set aside the jury verdicts, this day was led to the bar in the custody of the Sheriff of the City of Richmond, and also appeared Craig Cooley, his Attorney at law, and Robert Trono, an Assistant Attorney for the Commonwealth, and Barbie Burfoot, his Probation Officer.

Whereupon, the Court proceeded to hear further argument of counsel as to the defendant's motion to set aside the jury verdicts, and having fully considered the same, doth deny said motion.

Thereupon, after allocution of the defendant, it is Ordered by the Court in accordance with the jury verdicts, that the defendant be confined as follows:

(Case No. 90-696-F) Life in the penitentiary on the conviction of the 1st degree murder of John H. Scholl, and two (2) years in the penitentiary on the conviction of using a firearm in the commission of the murder of John H. Scholl;

*Life*

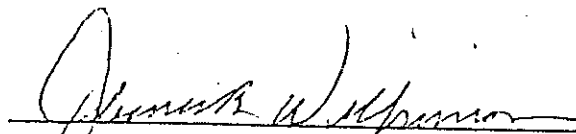
(Case No. 90-697-F) ten (10) years in the penitentiary on the conviction of attempted murder of Joseph Pieratti, and four (4) years in the penitentiary on the conviction of using a firearm in the attempted murder of Joseph Pieratti; and

(Case No. 90-698-F) ten (10) years in the penitentiary on the conviction of attempted murder of Jonathan Beatty, and four (4) years in the penitentiary on the conviction of using a firearm in the attempted murder of Jonathan Beatty.

Whereupon, it being represented to the Court that the defendant intends to appeal the judgments of this Court to the Court of Appeals of Virginia, and the Court having determined the defendant to be indigent, it is Ordered that Craig Cooley, Attorney at law, be appointed to represent the defendant on his appeal, and that the Court Reporter prepare a transcript of the hearings in these cases at the expense of the Commonwealth and file with the Clerk according to law.

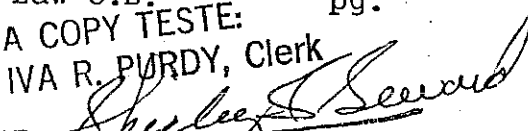
It is further Ordered that the Commonwealth do recover of the defendant her costs incident to these proceeding, and that the defendant be remanded to the custody of the Sheriff of this City to be dealt with according to law.

Enter this Order,

 Judge

Ent. Law O.B. pg.

A COPY TESTE:  
IVA R. PURDY, Clerk

By:   
Deputy Clerk

VIRGINIA: IN THE CIRCUIT COURT OF BUCKINGHAM COUNTY

COMMONWEALTH OF VIRGINIA

vs possession of AN UNAUTHORIZED INSTRUMENT ON 2/18/92

KEVIN JOHNSON      DOB-12-3-71  
inmate #185492

ORDER

Upon motion of the Commonwealth's Attorney, the charges against  
KEVIN JOHNSON are hereby ORDERED Nolle  
Prosequi.

ENTER this 10<sup>th</sup> day of August 1992.

*[Signature]*  
Judge  
*[Signature]*

I ask for this:

7  
Commonwealth Attorney

LOB #17  
Pg 601

A Copy, Teste:  
Malcolm A. Hooker, Jr., Jr.  
By: Doreen B. Blackburn Deputy/Clerk



BOOK 63 PAGE 597

VIRGINIA: IN THE CIRCUIT COURT OF MECKLENBURG COUNTY

COMMONWEALTH OF VIRGINIA

VS - FELONY - JURY ASSAULT ON EMPLOYEE

CR94-233-00

KEVIN JOHNSON, #185492

SS# 230-35-9712

This day came the Attorney for the Commonwealth, Charles G. Butts, Jr., court appointed attorney for the defendant, and the defendant, Kevin Johnson, #185492, dob 12-3-69, who stands indicted for a felony, to-wit: On or about the 13th day of March, 1994, did unlawfully and feloniously while a prisoner in a correctional facility knowingly and willfully inflict bodily injury on Lt. Thomas F. West, an employee thereof, in violation of Section 18.2-55, as amended, and all parties announced that they were ready for trial.

Whereupon the accused was arraigned and the defendant refused to respond and the Court entered a not guilty to the indictment on behalf of the defendant and counsel for defendant, who requested trial by jury.

Counsel for the defendant moved the Court to find the defendant incompetent to stand trial for the reasons stated to the record, which motion was denied.

WHEREUPON the Court then impanelled twenty qualified jurors and Juror Pansy Ezell Overton was excused for cause on motion of counsel for the defendant, and a replacement was called. Whereupon the Attorney for the Commonwealth and the defendant each alternately exercised their rights to strike the names of four veniremen from the panel, as provided by law, and the remaining twelve jurors constituting the jury for the trial of the



CR94-233  
JOHNSON

BOOK 63 PAGE 598

defendant, were duly sworn as follows: Woodrow Wilson Williams, Alice Althea White Thomas, Luetta Rogers Thomas, Juanita Lacks Broughman, George Edward Newton, Jennie Eva Pool, Angela Renee McBee, Steven Allen McCargo, Ronald Dean Grant Margaret S. Frazier, Linda Wilson Lawson and Dwight Emerson Elam. At the conclusion of the Commonwealth's evidence, the defendant represented that he would present no evidence.

The Court, upon observing misconduct of the defendant and having been informed by the defendant of his intention to continue to disrupt the proceedings, ORDERED the defendant to be removed from the courtroom. Counsel for the accused renewed his motion that the Court find the defendant incompetent to stand trial for the reasons stated to the record, which motion was again denied. Counsel for the defendant then moved to strike the Commonwealth's evidence for the reasons stated to the record, which motion was denied and objection was noted. After the instruction of the court, the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open court, in the following words:

"We, the jury, find the defendant guilty  
of injuring a employee of a state correc-  
tional facility.

/s/ Dwight E. Eden  
Foreman"

CR94-233  
JOHNSON

BOOK

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Upon motion of the attorney for the defendant, the jury was polled as to whether the stated verdict accurately and correctly reflected their verdict, and all twelve (12) responded in the affirmative.

The Court then heard evidence pertaining to the sentence to be imposed on the verdict. After hearing the instructions of the Court and the argument of counsel, the jurors were sent to the jury room to consider their sentencing verdict. The Court allowed the defendant to return to the courtroom. The jury subsequently returned their verdict in open court, in the following words:

"We, the jury, sentence the defendant to 8 years imprisonment for injuring an employee of a state correctional facility.

/s/ Dwight E. Eden  
Foreman".

The attorney for the defendant then renewed his motion to declare the defendant incompetent to stand trial, which motion was denied. Counsel for the defendant renewed his motion to strike the Commonwealth's evidence for reasons stated to the record, which motion was again denied.

The Court then asked the defendant whether he desired to make a statement or to advance any reason why judgment should not be pronounced against him. The defendant having declined, the Court finds the defendant guilty of Injuring an Employee of a State

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Correctional Facility as charged in the Indictment and sentences the defendant to confinement



VIRGINIA: IN THE CIRCUIT COURT OF MECKLENBURG COUNTY

COMMONWEALTH OF VIRGINIA

VS - FELONY - JURY POSSESS UNAUTHORIZED WEAPON CR95-343-00

BODILY INJURY -01

BODILY INJURY -02

KEVIN JOHNSON, #185492

SS# 230-35-9712

This day came the Attorney for the Commonwealth, Joseph M. Teefey, Jr., court appointed attorney for the defendant, and the defendant, Kevin Johnson, #185492, dob 12-3-69, who stands indicted for felonies, to-wit:

Indictment #1 - On or about the 25th day of September, 1995, did unlawfully and feloniously while a prisoner in Mecklenburg Correctional Center, have in his possession a knife, instrument, tool or other thing not authorized by the superintendent which is capable of causing death or bodily injury in violation of Section 53.1-203, as amended;

Indictment #2 - On or about the 25th day of September, 1995

Count 1: While a prisoner confined in a state correctional facility, unlawfully and feloniously, maliciously cause bodily injury to Lt. J. Pulley, an employee of a state correctional facility in violation of Section 18.2-255, as amended;

Count 2: While a prisoner confined in a state correctional facility, unlawfully and feloniously, maliciously cause bodily injury to Correctional Officer

W. Hite, an employee of a state correctional facility in violation of

Section 18.2-55, as amended;

wad led to the bar in the custody of the Sheriff and all parties announced that they were ready for trial.

Whereupon the accused was arraigned on Indictments #1 and #2 (Count 1 and Count 2) and the defendant entered a not guilty plea to the indictments, which pleas were tendered by the accused in person, who requested trial by jury.

WHEREUPON the Court then impanelled twenty qualified jurors, free from exception for the trial of the defendant, in the manner provided by law. Whereupon the Attorney for the Commonwealth and the defendant each alternately exercised their rights to strike the names of four veniremen from the panel, as provided by law, and the remaining twelve jurors constituting the jury for the trial of the defendant, were duly sworn as follows: Joanne S. Finley, James A. Chandler, Joyce R. Cox, Kathleen L. Clark, Karen P. Holmes, Robert R. Edens, Bertha B. Phillips, Clinton J. Bullock, Richard N. Clary, Joyce P. Braddy, Barbara M. Crowder and Judy N. Currin.

After opening statements, the evidence was presented by the Commonwealth and counsel for the defendant.

After hearing the evidence, the instructions of the court and argument of counsel the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open court, in the following words:

"WE THE JURY, find the defendant guilty of possession of a knife, instrument or tool not authorized by the superintendent while a prisoner in a state correctional facility.

/s/ Robert R. Edens  
Foreman"

"WE THE JURY, find the defendant guilty of assault and battery of Jerry Pulley.

/s/ Robert R. Edens  
Foreman"

"WE THE JURY, find the defendant guilty of assault and battery of Willie Hite.

/s/ Robert R. Edens  
Foreman"

The Court then heard evidence pertaining to the sentence to be imposed on the verdict.

After hearing the instructions of the Court and the argument of counsel, the jurors were sent to the jury room to consider their sentencing verdict. The jury subsequently returned their verdict in open court, in the following words:

"WE THE JURY, sentence the defendant to 5 years for possession of a knife, instrument, or other tool.

/s/ Robert E. Edens  
Foreman"

"WE THE JURY, sentence the defendant to 3 months for assault & battery of Jerry Pulley, an employee of a state correctional facility.

/s/ Robert E. Edens  
Foreman"

"WE THE JURY, sentence the defendant to 6 months for assault & Battery of Willie Hite, an employee of a state correctional facility.

/s/ Robert E. Edens  
Foreman"

The attorney for the defendant then moved the Court to set aside the verdict, for reasons stated to the record, which motion was overruled, to which the ruling the defendant by counsel excepted.

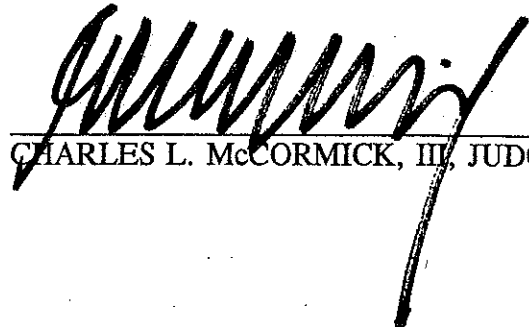
The Court then asked the defendant whether he desired to make a statement or to advance any reason why judgment should not be pronounced against him. The defendant having declined, the Court finds the defendant guilty of Possession of Unauthorized Weapon and sentences him to the Department of Corrections for five (5) years: Assault & Battery on Lt. Pulley and sentences the defendant to Three (3) months in jail; Assault & Battery on Officer W. Hite and sentences the defendant to six (6) months in jail.

Whereupon, the Court advised the defendant of his right to appeal the case to the Court of Appeals of Virginia.

The Court certifies that at all times during the trial of this case, the defendant was personally present with his attorney.

And the defendant is remanded to the Department of Corrections to be confined in the

Entered this 23rd day of August, 1996.

  
\_\_\_\_\_  
CHARLES L. McCORMICK, III, JUDGE

TRUE COPY, TESTE:

✓ E. E. Coleman, Jr. Clerk

By: PC Deputy Clerk  
Circuit Court of Jefferson  
State of Missouri

DOC 9-17-96